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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	. ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,489	12/05/2001	Elizabeth Gay Frayne		2256
7	590 09/08/2003			
Elizabeth Fra			EXAMINER KHARE, DEVESH	
2027 Galvin Li				
Diamond Bar, CA 91765				
			. ART UNIT	PAPER NUMBER
	•		1623	<u> </u>
			DATE MAILED: 09/08/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) FRAYNE, ELIZABETH GAY Examiner							
Examiner Devest Khare		Application No.	Applicant(s)				
Devesh Khare 1623 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION (1756). In no event, however, may a reply be limely filed set 50 (MONTHS from the making date of this communication. If the period for reply specified above is loss than briefy (00) days, as reply within the statutory reinformed reply (0) (MONTHS from the making date of this communication. If the period for reply specified above is to statutory period will again style (1) (MONTHS from the making date of this communication. If the period for reply specified above is the statutory period will again style of (1) (MONTHS from the making date of this communication. If the period for reply specified down, the manimal studing period will again style (1) (MONTHS from the mailing date of this communication. If the period for reply specified will be considered limely. If the period for reply specified will be considered limely. If the period for reply specified on the period of this communication, and the period of this communication. A proper that the mailing date of this communication, even if timely filed, may induce any search of the mailing date of this communication, even if timely filed, may induce any search of the mailing date of this communication, even if timely filed, may induce any search of the mailing date of this communication, even if timely filed, may induce any search of the mailing date of this communication, even if timely filed, may induce any search of the mailing date of this communication, even if timely filed, may induce any search of the mailing date of this communication, even if timely filed, may induce any search of the date of the communication of the mailing date of this communication, even if timely filed, may even date and the mailing date of this communication. It is possible to the date of this condition for all date of the co	Office Action Summan	10/007,489	FRAYNE, ELIZABETH GAY				
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-13 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8) Claim(s) 1-13 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) Harder Application (PTO-143) Paper No(s) Notice of References Cited (PTO-882) Notice of Draftsperson's Patent Drawing Review (PTO-948)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
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Application/Control Number: 10/007,489

Art Unit: 1623

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-5, drawn to a method for generating phosphorothicate oligo mixtures, classified in classes 536 and 435, subclasses various.
 - II. Claims 6 and 7, drawn to a method for increasing the natural mutation rate of organisms, classified in classes 435 and 514, subclasses various.
 - III. Claims 8-13, drawn to a method for stabilizing RNA in vivo and/or in vitro, classified in classes 435,536 and 514, subclasses various.

The inventions are distinct, each from the other because of the following reasons: Inventions I- II are unrelated to one another. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). Group I is drawn to a method for generating phosphorothicate oligo mixtures, which is unrelated to the method for increasing the natural mutation rate of organisms of Group II.

Group I is drawn to a method for generating phosphorothicate oligo mixtures, which is unrelated to the method for stabilizing RNA in vivo and/or in vitro of Group III.

Group II is drawn to a method for increasing the natural mutation rate of organisms, which is unrelated to the method for stabilizing RNA in vivo and/or in vitro of Group III.



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Although the inventions are classified in the same class and sub-class, searching the three groups of inventions constitutes a burdensome search, as a thorough search comprises a search or foreign patents and non-patent literature as well as the appropriate U.S. patent classifications.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and /or divergent subject material, restriction for examination purposes as indicated is proper.

It is noted that the four independent and distinct inventions would indeed impose an undue burden upon the examiner in charge of this application.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Devesh Khare whose telephone number is (703)605-

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1199. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, Supervisory Patent Examiner, Art Unit 1623 can be reached at 703-308-4624. The official fax phone numbers for the organization where this application or proceeding is assigned is (703) 308-4556 or 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1235.

Devesh Khare, Ph.D.,JD(3Y). Art Unit 1623 September 4, 2003

JAMES O. WILSON

SUPERVISORY PATENT EXAMINER
FECHNOLOGY CENTER 1600